

Silver Spring Urban District Advisory Committee
November 15, 2007
Meeting Minutes

Members Present: Bob Middleton, Carmen Camacho, Barbara Henry, Jon Lourie, Abrielle Anderson, Pete Esker, Robb Parker, and Nancy Schwiesow

Members Absent: Genny Hardesty, Renee Okon and Mary Pat Spon

Guest: Alisa Woods, Rukiyat Gilbert, and Jennifer Desco

Staff: Gary Stith, Vicki Lockerman, and Jerry Sanford

Welcome/Introduction – Barbara Henry, Chair called the meeting to order at 3:30 p.m.

Motion: (Anderson, Schwiesow) the Silver Spring Urban District Advisory Committee approved the October 2007 minutes.

Chairs Report

Barbara Henry stated through the numerous meetings and as a member of this committee I would like to thank Vicki Lockerman for doing the heavy lifting compiling the informational materials, for us on time and if it weren't for her we wouldn't be prepared.

Police Update

Lt Auger reported that:

- Street robbery trends in Silver Spring continue however, it has abated somewhat. We have a couple of Special Assignment Teams (SAT) from other Districts to help our Silver Spring SAT team. These are plain clothes officers that drive unmarked cars and work on crime scenes and surveillances. The 3rd District is down two police officers so we have these teams down in Silver Spring on a part-time basis.
- A robbery was dispatched this morning along Georgia and Wayne Avenues an off-duty officer spotted the two subjects stopped them at the Mc Donald's, they were identified by the victim and arrested and these two juveniles were from Washington, DC.
- Commander Johnson and I are trying to address a lot of different issues in downtown Silver Spring with limited manpower. We have certain days of the week that are overlap days where two shifts are working. We are reaching out to those shifts asking for volunteers to specifically address the robbery and burglary trends, they can be a combination of increased patrol and plain clothes officers or working with the detectives doing follow-up.
- There has been some personnel movement in Silver Spring which will allow us to fill some positions. We are two traffic officers and these positions will be advertise and probably filled within the next month. We have five rookies in training that we will keep and they are sending us six more. Sgt. Haba was promoted and will be coming to the 3rd District on one of our midnight shifts.

Discussion

Jon Lourie asked what a robbery trend means

Lt. Auger responded that in any District in the County at any given time you may have one or two crime trends. We have a robbery trend along Colesville Road and the Metro. Sometimes it is hard to get a handle on these issues because you can not key in on one area because robberies are occurring in different places and there is always a certain amount of this type trend in an urban and city type environment.

Barbara Henry asked if these are happening at an alarming rate.

Lt. Auger stated that this is not an alarming rate and that he would have to pull the exact numbers. Sometimes the numbers are misleading because things get classified as a robbery when they really are not. I am discussing the CBD but we also have issues at Castle Blvd., Piney Branch Road and we look at those as unique to that area but given the resources we have we are addressing the issues really well.

Jon Lourie asked about safety on weekend nights when people are in Silver Spring and is it relatively safe during those times.

Lt. Auger responded we have over-time officers on Ellsworth Drive on the weekend nights and privately employed officers so there is a presence. You can depend on the police to do their job but you need to depend on yourself to be more aware of your surroundings.

Pete Esker asked if Lt. Auger had any demographics about the perpetrators. Are they usually from outside of the area?

Lt. Auger responded that the perpetrators are a mixed group like the two suspects this morning from Washington, DC. The suspects involved in the two car-jacking in the garages where from PG County and we have suspects that live in Montgomery County so we get a mix from all areas. The staffing level, having SAT here for a couple weeks plus the overlap shift to address some issue will help. Crime normally spikes during the holiday season but we will continue to keep an eye on the situation.

Bob Middleton thanked Lt. Auger for facilitating Commander Johnson visit to Cameron Hills Homeowners Association meeting in September and the Association is taking a lot of the recommendations very seriously. I want to extend an offer to the 3rd District Officers that are trying to find a place to park to get over to the District Court House that they can still come on our property and park. Cameron Hills needs to send a signal to the community that we are not going to be the dumping ground for all of the negative things that happen as a result of the good things happening on Ellsworth. People are up in arms now and I am looking down the road as we have events more frequently, patrons leaving the Fillmore and decide they don't have enough money for some of the restaurants in Silver Plaza so they walk down to Mc Donald's where you can always find affordable cuisine and trade their drugs which they are doing in my community now. It's at the point where we are ready to do just about anything within the law to make it stop.

The officers are welcomed to make their presence known and perhaps people will get the impression and message that this will not be tolerated and stop.

Lt. Auger asked Bob Middleton to send him an e-mail and he will pass it out. Sgt. Sullivan and other officers have been in that area and did not see anything remarkable at that point and this does not mean it is not happening but sometimes you are not there at the right time.

Bob Middleton stated things have changed in the last seven years, young families have moved in and things are exciting but on the other hand people are not comfortable in their own community.

Parking Update

Gary Stith reported that the parking update would not take place but needed to be on the December agenda because there are some recommendations by DPWT about parking rates.

Update ZTA for Downtown Silver Spring

Gary Stith reported that:

- Two Zoning Text Amendment, (ZTA) are under consideration by Council. ZTA 7-10 allows developers doing Optional Method Projects in the CBD to purchase off-site public use space by contributing to a fund that would be controlled by Park and Planning. Language specifically related to the music venue states that this kind of venue if conveyed to the County can fill the public use space requirements and if this is done the square footage of the building being built for the arts entity the building space will not count against the FAR. This ZTA goes to PHED on Monday afternoon. We had a round table discussion with the Planning Board about language that was put in at a staff review concerning the role of the County Executive and the concern was that this was taking away some of the Planning Board's prerogatives so that has been clarified. This should go to County Council after Thanksgiving and be adopted in some form. They did not address SSCAB and UDAC concerns that while the ZTA allows for the option for someone to contribute money that there is no real benefit to that development. This ZTA is really written as a way of implementing some changes to the zoning that would affect Woodmont Triangle. In Woodmont Triangle they can do very parcel under Optional Method whereas everywhere else you have to have 18,000 square feet. If you have a very small parcel it may make sense to buy off-site public use space because you need a reasonable footprint for the building. In downtown Silver Spring you have 18,000 square feet it's a lot cheaper for you to set aside 20% of your property for public use space and not pay extra. Under the current law public use space means an area open to the sky and under the changes being amended if they convey it to the County and the County Executive accepts it than that kind of entertainment entity can be used as credit toward your public use space. So it would be a way to encourage arts & entertainment venues as a part of our Arts Entertainment District and can only apply to the A&E District where you can have that type of facility count toward public use space but only if the County accepts the conveyance of that to the County and approved by the Planning Board.

Pete Esker asked if the County accepts the conveyance do they also accept the maintenance.

Gary Stith responded not necessarily and this would be part of the terms of conveyance stating that we accept the maintenance of it but they are still responsible. This was one of the concerns of the Planning Board adding to it that the conveyance had to be accepted by the County and the way it was phrased made it like the County Executive had the say over whether this would count as an amenity and the Planning Board just had to accept it.

Barbara Henry stated that ZTA 7-10 is going to PHED on Monday is there something the Committee needs to do.

Gary Stith responded that there is still concern whether County Council is going to be willing to accept this type of arts venue and allow this area as public use space. It is a change in the concept of public use space because it is an indoor space.

Jon Lourie asked how they determine the value of what is needed to satisfy their public use requirements.

Gary Stith responded that the Ordinance does not base it on monetary value its more of a subjective type thing. Because of Live Nation, the economic development benefits and the people this type of venue would draw to downtown Silver Spring it would not be the monetary value. The value of the public use space that somebody would pay would be based on the asset evaluation of the property and how much property you had to convey that you would make a contribution to. This is 20% of the land value based on the appraised evaluation and the cost of the improvements which they calculate based on a square foot cost, sidewalk amenities so it is both land and improvements they will contribute to and this could be used in Silver Spring if somebody opts to take that option and this is voluntary. This is our concern that nobody will voluntary. The Planning Board will make the decision on how to spend the money in the Central Business District.

Barbara Henry asked if one wanted to affect the outcome of this decision how would you

Gary Stith responded you would need to come to the PHED Committee on Monday. PHED is chaired by Marilyn Praisner, Nancy Floreen and Marc Elrich. This was sponsored by the Planning Board and Nancy Floreen.

ZTA 7-14 increases the height of buildings in the Ripley District and is an amendment to the Ripley District South Silver Spring overlay and only applies to those areas that have an underlying zone of CBD-2. We have an interested development that we made a proposal to and can facilitate that if they could have height up to 200 feet. At the north edge of that District we can do a development of 200 feet because it is within 800 feet of a Metro Station and this is in the middle of downtown and not close to any residential neighborhoods. It seemed like a logical location for us to allow for additional height which does not increase the density allowed but it does make it easier to utilize the density that is available. We had a Hearing the County Executive spoke in favor of it, Planning Board is recommending it and to PHED Committee and three members of PHED have endorsed it with no changes and this is suppose to go to Council after Thanksgiving.

Jon Lourie stated in the last Committee meeting we had discussion on the height along Georgia Avenue. The way the ZTA is written is the Sector Plan for the CBD still govern and the 90 foot height rule along the west side of Georgia Avenue is still in place with a 2 to 1 set back to the 200 foot height so it still maintains the 90 foot buildings on both side of the street.

Gary Stith responded that at the Public Hearing there was support from the downtown community in terms of the South Silver Spring Neighborhood Association, the Silver Spring Chamber of Commerce, and they received your letter. Some people from the Silver Spring Historical Society were concerned that the building height was going to negatively impact what they consider historical buildings along Georgia Avenue.

Barbara Henry stated it is interesting to see the evolution of downtown as being a livable space as well as a workable space and people commenting on how it is to live here as opposed to some of us from these surrounding suburban neighborhoods and this is actually becoming an urban place.

Update on Annual Growth Policy Impact on Downtown Silver Spring

Gary Stith reported that:

- Downtown Silver Spring has been designated as an Enterprise Zone and there is a question as to whether we still are an Enterprise Zone and some of the tax credits are still available for five more years.
- Council decided that anytime they say something applies to an Enterprise Zone it also applies to any area that was ever designated as an Enterprise Zone.
- Under this Growth Policy they raised the development impact tax both for schools and transportation significantly. For some parts of the County the additional impact tax that would have to be paid on a single residential unit could be as much as \$50,000 dollars. All impact taxes in the downtown area because it was an Enterprise Zone have been waived so no development project in downtown has to pay any of the development impact taxes. This includes, Downtown Silver Spring, Wheaton Central Business District and some commercial areas through Long Branch Area on New Hampshire Avenue and Takoma Park. Projects in the Enterprise Zone obligated to fall under the test for both transportation capacity and school capacity. For school capacity the Einstein Cluster is in moratorium under the new approach. The Einstein Cluster covers everything from Colesville north and would stay in moratorium until such time as the School Board comes and asked for projects to be included in the capital budget in the first four years of the capital budget to increase the capacity of the school that would take it out of the moratorium. If they come in January, the County Executive sends his capital budget and it includes some capital project that increases the capacity of the Einstein Cluster that would allow it to meet the test established and they could come out of the moratorium. If you are doing a residential project that has not gone through the project plan approval you fall under that test and if you have already had your project plan approval done than you kind of grandfathered. This is only for residential projects and the ones impacted are the Falkland project, Silver Place and the residential project where the bank is on Georgia. They can not develop a residential project as long as the Einstein Cluster in

moratorium. If something gets added to the capital budget within the first four years and approved by Council than the area comes out of moratorium.

Barbara Henry responded that this put a whole new dynamic on the school process because now you could have members of a community lobbying for improvements in their school and members of the same community lobbying against and therefore nothing gets built.

Jon Lourie asked if they have to pay money per unit or they just can't build.

Gary Stith responded on the school side they can't build because if it is over the capacity threshold. If it is below the threshold and not in moratorium you can build but if you are outside of the CBD you have to pay the impact tax. The Falkland is located in the CBD.

The other part of this is meeting the transportation test and the chart illustrates red, green and white areas. Downtown Silver Spring falls in the white area of the chart, the green area illustrates that you don't have to mitigate any of your trips, the red area illustrates that you have to mitigate all of your trips and the white area illustrates that you have to do a partial mitigation of your trips. I discuss this with the person that created the chart and asked him what percentage of trips you have to mitigate and he has not responded as yet. There are various things you can do to mitigate including buying a bus and operating it for twelve years which would cost approximately 3 million dollars and only mitigate 30 trips. You could provide employees with ride share so they use transit. We have a TMD plan and a transportation plan to build and now you have to show how you are mitigating a certain number of trips.

Barbara Henry asked what the difference is between this and what is currently done. Our transportation plans states that we will make an effort to get people out of single cars and Commuter Services holds us to and don't know if they are actually monitoring percentages but every year you we to tell them we are at least making an effort.

Gary Stith responded if you don't make the effort you don't reach that goal.

Barbara Henry stated that her understanding was there is no penalty for that.

Gary Stith stated that he would find out more about the issue and suggested that the Silver Spring Urban District Advisory Committee invite an expert from Park and Planning Transportation Section and let them give a detail explanation.

Abrielle Anderson asked if the transportation test affects residential and commercial

Gary Stith responded residential does not generate the same kind of trips as commercial does. This Annual Growth Policy has been adopted by Council.

Marketing and Special Events

Gary Stith reported that:

- We will have four News cameras this year at the Montgomery County Thanksgiving Parade which starts at 9:30 a.m., November 17, 2007. We are looking for volunteers to hold the balloon down if you want to volunteer talk with Barbara Henry.
- The Transit Center project is slowly moving along and will be spring before it is started.
- Our <http://silverspringdowntown.com>, website is doing quiet well and get about 66,000 visits to our site a month. We have a lot of places where the website is linked and if you go to WMATA, Silver Spring Station page there is a link to our website on it and this has been a great marketing tool and we have several sponsors that pay us to get additional information on the website and the money goes to the Celebrate Silver Spring Foundation and all of their proceeds are used for our events. We are slow during the winter months because all of our events are over but at some point I think we need to develop some spring events. We are not going to sponsor the bike race this years because we decided it causes problems for businesses and parking and does not draw a lot of people.
- Restaurant Week is done by the Washington Post and I have not heard if they are doing that this year and the struggled last year to get critical mass.

Urban District Report

Jerry Sanford reported that:

- In refer to the transit center a lot of construction is starting to wind down on the Interim Operating Site. They are expecting within the next week or so to be completely done. We have been working closely with DPWT to make sure it hasn't become a traffic flow nightmare and it has gone fairly well.
- The company that does the silverspringdowntown.com website is working closely with the Urban District to develop a hand held device that will allow staff to access information quickly that will have all the information from our website plus additional County information. We are getting more questions in the field and we obviously can't remember where every restaurant is and things outside of downtown so we have seen other downtown areas use similar products successfully and this will be directly linked to the internet. We hope this is up and running by spring 2008 or earlier.
- We have gone to a complete of different businesses and done presentation to the staff on some of the services that the clean and safe team offers and changes going on in downtown Silver Spring so in your contacts if you know of a civic association, large or small business that want to know more about the Urban District and what we do please contact us and we will be happy to come out and give a presentation.
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Barbara Henry asked that the Urban District staff contact Discovery Communications Inc. security office for the presentation.

- We have been working with Park and Planning staff updating the streetscape standards and hopefully this will be completed soon and they can give a presentation to this Committee on the changes.
- Part of the website is a database listing all of the street level retail in downtown Silver Spring. We update this on an on-going bases but over the last month and half is done a more thorough job of doing this and actually visit every business to make sure we have the correct information pertaining to that particular business.

Gary Stith stated that people depend on this website for real-time information that is up-to-date. We have the content put together on our new dining guide and it should be completed within the next six week.

Barbara Henry stated that they where promised additional personnel allocation for when the interim facility comes on board do you have those people now or when will you have them.

Jerry Sanford responded a new hiring bliss will be done in March. We will not have the same staff dedicated to the interim operating site but all Urban District staff. We will up hirer above our budgeting amount starting in March and someone will be in that area but not necessarily the same staff member.

Gary Stith stated that some of the lighting has been installed but not activated yet. PEPCO will do the activation and it should happen within the next couple of weeks. We will notify Discovery Communications in advance.

Director Report

Gary Stith reported that:

- November 27 at 7:00p.m., there will be a Georgia Avenue Corridor Study Kick-off at Park and Planning and they want community members to come.
- There will be a Silver Spring Action Event November 29, 7-9 at Discovery Communication Inc., One Discovery Place. The theme this year is *“What is your vision for our community beyond Downtown Silver Spring, a shared vision for our Community”*

Barbara Henry stated that for the Silver Spring Action Event there is a cap on participation so if you want to attend you need to register with Impact Silver Spring.

- MTA is having a workshop on the Purple Line on December 3 at East Silver Spring Elementary School 5-8:30 p.m. They have been saying for a year that in December they will have rider ship estimates and things like that so supposedly they are going to have a lot of critical information at this session.
- The Silver Spring Citizens Advisory Board and Silver Spring Regional Center has invited this Committee, TMD Board, Recreation Advisory Board, Delegates and, Councilmember's to attend a holiday party on December 5, 6:00 p.m., at Nicaro Restaurant Lounge 8229 Georgia Ave and heavy hors d'oeuvres will be served.
- The plans are completed for us to put out the bid for the Civic Building/Veteran Plaza project and it is not out yet but is on DPWT's web page so when they actually put the bid documents out contractor can go to the County web page and pull down the plans and specifications and this should happen right after Thanksgiving. We look for bids to come in January and the contract in place by March. They are doing an RFP process instead of invitation for bid because we are not taken the low bidder but taking bids from contractors and will evaluate those bids based on what we think is the best value not the lowest price.

Jon Lourie stated that he met with Barbara and Gary last week and as Vice Chair, volunteered to take a more active role in the monitoring projects coming before this Committee and going to Park and Planning. Part of the discussion was how developer's bring projects before the Committee and the Silver Spring Citizens Advisory Board has them fill out a form that list development criteria. I think this is something that we may want to review or talk about whether we want to require developers to provide this information before handed to have a better understanding of the project. Glenn Kreger has the review criteria that the Planning Board uses and it would be important for us to have to refresh our memories in regards to what criteria the Planning Board looks at and what is important to them in project review.

Gary Stith stated the Committee discussed with Glenn Kreger about coming to the Committee meetings quarterly to talk about development issues and what's going on in Silver Spring however, he had a conflict today and this will always be a problem because Planning Board meets on the 3rd Thursday of each month and hopes that he can attend the Committee's December meeting.

Jon Lourie asked if this Committee would be interested in changing the day they meet. For example the ZTA for the Ripley District last week it would have been ideal for Glenn to give the Committee some informative background .If our meeting causes him a conflict with the Planning Board meetings than we will not be able to receive or discuss information in a timely manner. I read in the Gazettee about Marc Elrich, and the potential ZTA for the Fenton District and that he met with the businesses owner in the Fenton Street area.

Gary Stith responded that this issue has not been introduced.

Barbara Henry stated that Valerie Ervin met with other business owners and some of them overlapped and the opinions where significantly different.

Jon Lourie stated that there may be an opportunity to address some of the issues that the Committee has been concerned about in terms of the way the zoning regulations are currently enforced for the Fenton Street area regarding buildings that are becoming full residential without retail on the first floor. We continue to talk about this and you eluded to it earlier in terms of ZTA 7-10. If Marc Elrich goes forward with this it might become a vehicle to totally re-work whatever he is putting together and don't think what he is proposing will be supported by many people in the business community. We continue to go down the same path, talking about pocket parks and the lack of potential for projects coming to Silver Spring that have no retail which is clearly not consistent with the Master Plan and Sector Plan for the CBD to have a active and vital downtown environment.

Gary Stith responded that when the Planning Board did ZTA 7-10 they had a discussion about that provision and including that provision to change things so there isn't a way of calculate density based strictly on unit per acre. The way this is done is if you have any retail in the project you could use this method and it actual generates a better count. The residential project on Bonifant off Georgia did not have first floor retail and the developer is saying that based on the comments received he did not have a problem adding some retail but still has a set-back issue because of the public use space.

Jon Lourie stated if Marc Elrich is going about the pressure on existing retail and I guess they are going to find out it's like the Loft buildings on the corner of Bonifant and Fenton where there is no retail and/or less retail space in downtown Silver Spring therefore going from the small businesses owners that are concerned about higher rents to no retail whatsoever. It seems to me there could be innovative language that might solve the issue if you link retail. Maybe you could mitigate the public use requirement if a project included retail in it and reduce the public space amenity requirement. ZTA 7-10 is gone in terms of the common review and there is no opportunity for us to mobilize ourselves.

Gary Stith responded that you need to continue to pursue the issue and you might ask Glenn Kreger how he thinks we could do this but somehow there has to be a Zoning Text Amendment drafted that accomplishes what you want to accomplish

Jon Lourie asked where ZTA 7-10 came from and who sponsored it and how do they become Zoning Text Amendments

Gary Stith responded that the ZTA can come through the Planning Board, Council members or the County Executive.

Barbara Henry stated that Discovery had done this in case they ever wanted to place the shark on the building again. We went to Valerie Ervin and Nancy Floreen, requested it and worked with Jeff Zyontz and Gary Stith to craft the language.

Jon Lourie stated the Silver Spring Citizens Advisory Board is concerned and vocal about this issue and that he is interested in actually doing something about it. There are a good number of projects that have been before the Planning Board for the Fenton Area.

Barbara Henry asked if the two projects have been approved at the corner of Thayer and Fenton and the one across the street at Silver Spring Street and Fenton that was up against the neighborhood.

Gary Stith responded that 814 Thayer has been approved but I don't know about the other. The Adele project has first floor retail.

Jon Lourie stated that the Adele has first floor retail but has issue with the fact the building is setback to provide the public use space. It basically violates the street frontage because you want buildings to be pushed out and have a continuous street frontage of retail establishments to create the vibrant streetscape.

Barbara Henry suggested that the Committee have an off-line discussion on ways to move this forward and map out a plan to get the necessary folks to attend a meeting to educate us and figure out what we can do and it should probably be Valerie Ervin, Jeff Zyontz and Glenn Kreger. I would rather be proactive than have another building that looks like Bonifant and Fenton.

Gary Stith responded that it is easy to go through Council staff to get something like this drafted but there is really not anybody on the Executive side because the Executive normally does not generate these things.

Jon Lourie stated that it has to be something that is a win, win situation. The condo market is depressed and there might be an opportunity here.

Gary Stith responded in the last five years we have twelve hundred and twenty-five new units built in downtown Silver Spring and if they start the Cameron House project there will be 1325 units under construction in downtown Silver Spring and probably 2/3 are rental. The 1325 there are three projects in South Silver Spring, the Portico project on Fidler and the Cameron House project.

Meeting adjourned at 5:00 p.m.